IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 149 OF 2005.

Shri Jackson Dadel,
aged about 25 years,
r/o Datta Apts.,
Bhatlem, Panaji, Goa,
presently in Judicial Custody at
Sub Jail, Sada, Vasco-da-Gama,
Goa. .... Applicant.

Versus

S T A T E,
Through the Public Prosecutor. .... Respondent.

Shri S. G. Bhobe, Advocate for the Applicant.

Shri S.N. Sardessai, Public Prosecutor for the Respondent/State.

CORAM: N. A. BRITTO, J.

DATE: 19th August, 2005.

O R D E R :

The Applicant herein is accused in Cr.No. 88/2005 of Panaji Police Station, who was arrested on 24.4.2005 at 5.30 hrs. in connection with investigations for offences punishable under Sections 302, 449, 201 r/w S. 34 I.P.C. and since then has been in custody. The Applicant-Accused approached the Court of Sessions for bail, but his bail application was rejected by the learned IInd Additional Sessions Judge by her Order dated 24.06.2005, inter alia, observing that the release of the accused at that

stage would definitely hamper the progress of investigations and more particularly when the charge sheet was not filed.

2. The Applicant-Accused therefore has approached this Court for bail. A charge-sheet has now been filed and the case is pending committal. Although the bail application of the present accused was rejected at the stage of investigations and prior to the filing of the charge sheet, Shri Bhobe, the learned counsel of the accused, submits that the Order dated 24.06.05 was passed after completion of the investigations as there has been no investigation made whatsoever after 8.6.05. Shri Bhobe further submits that the present accused himself was found with an injury and that was at the time when he intervened to separate the deceased Godwin from Joe, who apparently is another accused involved in this case. Shri Bhobe has further submitted that confessional statements of accused Manjunath alias Lara Talwar and Prasad Ambadi were also recorded. The said accused have also not implicated the present accused in the assault of the deceased Godwin and being so, the accused herein would be entitled to be admitted to bail.

3. As already stated, the application for bail filed by the accused was rejected by the learned Addl. Sessions Judge, particularly because the investigations into serious offences like murder, etc. were pending and

certainly the application was not decided on the merits of the case i.e. whether the present accused was entitled for bail or not. Apparently the learned Addl. Sessions Judge therefore did not consider the aspects of the present accused receiving injuries or what the other accused had to say in their confessional statements.

4. In my view, since now the investigations have been completed and a charge sheet has been filed, it would be certainly desirable that the accused approaches the Court of Sessions again for the grant of bail, on merits of the case. Only in the event of the accused being denied bail by the learned Sessions Court that the accused would be free to approach this Court again for the grant of bail.

5. With the above observations, the application for bail filed by the accused is hereby dismissed with liberty as aforesaid.

N. A. BRITTO, J.

sl.